

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Michael Graham,

10 Plaintiff,

11 v.

12 Continental Bancorp, et al.,

13 Defendants.
14

No. CV-17-04806-PHX-DMF

ORDER

15 Pending before the Court is Magistrate Judge David K. Duncan's¹ Report and
16 Recommendation recommending that this matter be dismissed based on Plaintiff's failure
17 to serve Defendants pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. (Doc.
18 11.) To date, no objection has been filed.

19 After considering the Report and Recommendation, the Court will grant
20 Magistrate Judge Duncan's recommendation.

21 **STANDARD OF REVIEW**

22 The Court "may accept, reject, or modify, in whole or in part, the findings or
23 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C); see Baxter v.
24 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the
25 service of a copy of the Magistrate's recommendation within which to file specific
26 written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to
27 object to a Magistrate Judge's recommendation relieves the Court of conducting *de novo*
28

¹ On June 25, 2018, this case was reassigned to Magistrate Judge Deborah Fine.

1 review of the Magistrate Judge's factual findings and waives all objections to those
2 findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure
3 to object to a Magistrate Judge's conclusion "is a factor to be weighed in considering the
4 propriety of finding waiver of an issue on appeal." Id.

5 **DISCUSSION²**

6 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
7 Objections having been made by any party thereto, the Court hereby incorporates and
8 adopts the Magistrate Judge's Report and Recommendation.

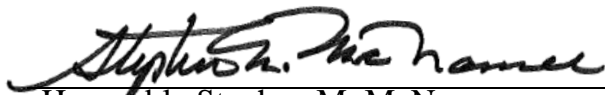
9 **CONCLUSION**

10 Accordingly, for the reasons set forth,

11 **IT IS HEREBY ORDERED** adopting the Report and Recommendation of the
12 Magistrate Judge. (Doc. 11.)

13 **IT IS FURTHER ORDERED** dismissing this matter without prejudice based
14 upon Plaintiff's failure to serve Defendants pursuant to Rule 4(m) of the Federal Rules of
15 Civil Procedure.

16 Dated this 29th day of June, 2018.

17
18 
19 Honorable Stephen M. McNamee
20 Senior United States District Judge
21
22
23
24
25
26
27

28 ² The procedural history of this case is set forth in the Magistrate Judge's Report
and Recommendation. (Doc. 11.)